

ZB# 99-11

Linda Pavlik

32-2-20

#99-11-Pawlik, Linda
Area- 32-2-20.

Prelim.

April 26, 1999.

Dead here 4

Photos ✓

Fee Pd. 4

Public Hearing:

June 14, 1999

Granted 3-0

Refund: \$198.50

DATE May 13, 1999 RECEIPT 039280

RECEIVED FROM James Pavlik

Address

Fifty 00/100 DOLLARS \$ 50.00

FOR ZBA

ACCOUNT		HOW PAID	
BEGINNING BALANCE		CASH	<u>15.13</u>
AMOUNT PAID		CHECK	<u>50.00</u>
BALANCE DUE		MONEY ORDER	

Town Clerk

Wilson Jones, 1989

Wilson Jones - Certificates - \$165-NOR Duplicate - \$165-NCL Tip/Phone

© Wilson Jones, 1989

DATE May 17, 1999 RECEIPT 039287

RECEIVED FROM James W. Stander, Jr.

Address

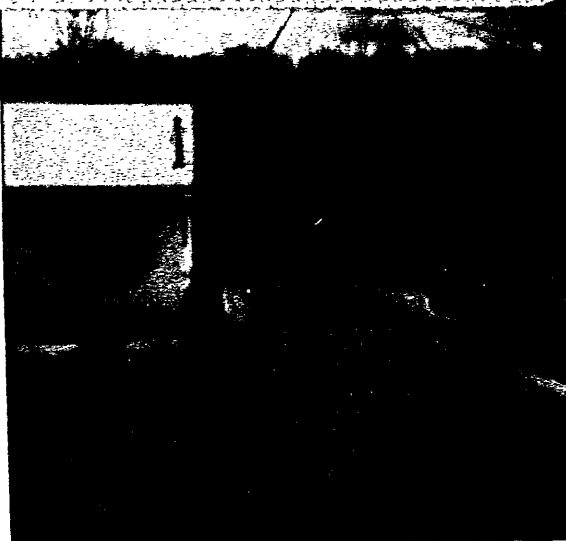
4000 00/100 DOLLARS \$ 50.00

FOR Variance Application (#99-16)

ACCOUNT		HOW PAID	
BEGINNING BALANCE		CASH	<u>66.88</u>
AMOUNT PAID		CHECK	<u>50.00</u>
BALANCE DUE		MONEY ORDER	

Town Clerk

BY Dorothy J. ...

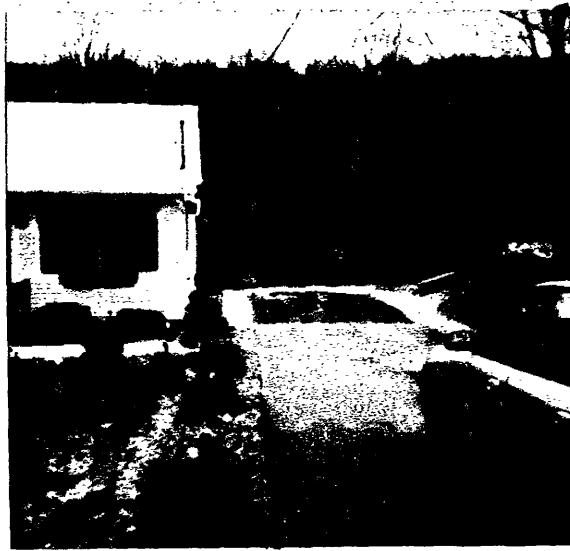


DATE May 17, 1999 RECEIPT 039287
 RECEIVED FROM James W. Stadel, Sr.
 Address _____
4 Box 00/100 DOLLARS \$50⁰⁰/100
 FOR Variance Application (#99-16)

ACCOUNT		HOW PAID	
BEGINNING BALANCE		CASH	# 6638
AMOUNT PAID		CHECK	50.00
BALANCE DUE		MONEY ORDER	

Town Clerk

BY Dorothy J. ...



APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Pavlik

FILE# 99-11

RESIDENTIAL: \$50.00
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA ☒

USE ☐

APPLICATION FOR VARIANCE FEE \$ 50.00

*Paid 5/17/99
cts 1514*

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 200.00

\$ 1513

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE 4/26/99 \$ 18.00
2ND PRELIMINARY- PER PAGE 6/14/99 \$ 13.50
3RD PRELIMINARY- PER PAGE \$
PUBLIC HEARING - PER PAGE \$
PUBLIC HEARING (CONT'D) PER PAGE \$
TOTAL \$ 31.50

ATTORNEY'S FEES: \$35.00 PER MEEETING

PRELIM MEETING: 4/26/99 \$ 35.00
2ND PRELIM. 6/14/99 \$ 35.00
3RD PRELIM \$
PUBLIC HEARING \$
PUBLIC HEARING (CONT'D) \$
TOTAL \$ 70.00

MISC. CHARGES:

..... \$
TOTAL \$ 201.50

LESS ESCROW DEPOSIT \$ 300.00
(ADDL. CHARGES DUE) \$
REFUND DUE TO APPLICANT . \$ 198.50

JAMES M. PAVLIK
LINDA J. PAVLIK
99 MOORES HILL RD.
NEW WINDSOR, NY 12553

32-2-80

Date: 11/13/99 29-7003/221

1514

Pay to the order of James J. New Windsor

Three hundred and 10/100ths

\$ 300.00

ALL BANK FSB
UNION AND MEADOW AVENUES
NEWBURGH, NY 12550

For (914) 567-1914

22213700301 25 035 1514

DESIGNER CHECKS - TRAVEL CHECKS

JAMES M. PAVLIK
LINDA J. PAVLIK
99 MOORES HILL RD.
NEW WINDSOR, NY 12553

32-2-80

Date: 11/13/99 29-7003/221

1513

Pay to the order of James J. New Windsor

Fifty and 00/100ths

\$ 50.00

ALL BANK FSB
UNION AND MEADOW AVENUES
NEWBURGH, NY 12550

For (914) 567-1914

22213700301 25 035 1513

DESIGNER CHECKS - TRAVEL CHECKS

In the Matter of the Application of

LINDA PAVLIK

**MEMORANDUM OF
DECISION GRANTING
AREA VARIANCE**

#99-11.

WHEREAS, LINDA PAVLIK, residing at 99 Moores Hill Road, New Windsor, New York, N. Y. 12553, has made application before the Zoning Board of Appeals for a 10 ft. side yard variance for a proposed deck at the above single-family residence in an R-3 zone; and

WHEREAS, a public hearing was held on the 14th day of June, 1999 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, Mr. and Mrs. James Pavlik appeared on behalf of themselves for this Application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor or in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.

2. The evidence presented by the Applicant showed that:

(a) The property is a residential property consisting of a one-family home located in an R-3 zone neighborhood.

(b) The Applicants propose placing a deck on the rear of the house on the property.

(c) The property is configured in such a way so that the backyard consists of a steep hill resulting in a climb of approximately 8 ft. to the back door.

(d) The proposed location of the deck would enable the homeowner to have easier and

safer access to the rear of the house. Without the deck, access to the rear of the house is dangerous.

(e) The proposed deck will be located in such a way that it will not create any water hazards, ponding or collection of water.

(f) The Applicants will remove no trees or significant vegetation in constructing this deck, if it is allowed.

(g) The property is serviced by municipal sewer and water so the deck will not be located on top of any well or septic system.

(g) The proposed deck is similar to other decks in the neighborhood.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

2. There is no other feasible method available to the Applicant which can produce the benefits sought.

3. The variance requested is substantial in relation to the Town regulations but nevertheless are warranted for the reasons listed above.

4. The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed.

6. The benefit to the Applicant, if the requested variance is granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.

7. The requested variance is appropriate and is the minimum variance necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested area variance.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 10 ft. side yard variance for a proposed deck at the above address, in an R-3 zone as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: August 9, 1999.



Chairman

Date 7/6, 1999

TOWN OF NEW WINDSOR

**TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553**

TO James M. Pavlik DR. 99 Moores Hill Road, New Windsor, N.Y. 12553

DATE	CLAIMED	ALLOWED
7/10/99	Refund of Corrow Deposit - # 99-11	198.50
<p>Approved: <i>Jamie A. Burchett</i> FBA</p>		

STATE OF NEW YORK,
TOWN OF NEW WINDSOR

} ss.

I hereby certify, that the items of this account are correct; that the disbursements and services charged therein have in fact been made and rendered, and that no part thereof has been paid or satisfied, that the amount herein mentioned is in full settlement for all services rendered and materials furnished.

Sign Here

No.

Town of New Windsor

Nature

Amount Claimed \$

Amount Allowed \$

Filed

I hereby certify that at a meeting of

said Town Board held at the office of the

Town Clerk on the day

of, 19.....

the within claim was audited and allowed

for the sum of

\$

.....
Clerk

Date 6/30/99, 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Frances Roth DR.
168 N. Drury Lane
Newburgh, N.Y. 12550

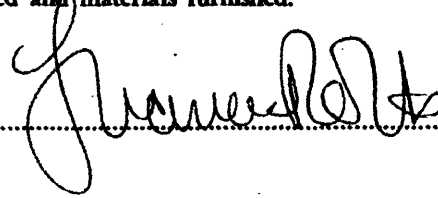
DATE			CLAIMED	ALLOWED
6/14/99	Zoning Board Mte		75 00	
	Misc. - 2			
	Barton - 2			
	Bila - 4			
	Handel - 3			
	Husted - 8			
	Paulik - 3 - \$13.50			
	Libuzzi - 3			
	JMK - 3			
	28		112 00	
			187 00	

STATE OF NEW YORK,
TOWN OF NEW WINDSOR

} ss.

I hereby certify, that the items of this account are correct; that the disbursements and services charged therein have in fact been made and rendered, and that no part thereof has been paid or satisfied, that the amount herein mentioned is in full settlement for all services rendered and materials furnished.

Sign Here



No.

Town of New Windsor

Nature

Amount Claimed \$

Amount Allowed \$

Filed

I hereby certify that at a meeting of
said Town Board held at the office of the
Town Clerk on the day

of, 19.....

the within claim was audited and allowed
for the sum of

\$

.....
Clerk

PAVLIK, LINDA

MR. NUGENT: Request for 10 ft. side yard variance for proposed deck at 99 Moores Hill Road in an R-3 zone.

Mr. and Mrs. Pavlik appeared before the board for this proposal.

MR. TORLEY: Is there anybody in the audience for this?

MR. NUGENT: No, nobody's here, let the record show that there's no one in the audience.

MR. NUGENT: Tell us what you're doing, for the record.

MR. PAVLIK: We're putting a deck up and we're coming within five feet of the side yard.

MR. NUGENT: The land drops.

MS. BARNHART: For the record, we sent out 21 addressed envelopes containing the public hearing notice and we did that on May 13.

MR. KRIEGER: Why are you choosing to locate the deck where you?

MRS. PAVLIK: What we want is a way to get to the back yard without, the hill is very steep now, so unless you go all the way around the other side of the house, you know, to come all the way around and then climb up the back steps to get--it's really the only way to, the back yard is going down this very steep hill, so you have to climb like eight foot down and then eight foot straight back up to get to the back door. So that's what we're seeking to do, we're seeking to put the, see, this is at the foot of the driveway, see this cliff?

MR. KRIEGER: So, it drops off severely in the back?

MR. PAVLIK: Right at the back of the house.

MR. KRIEGER: From the back down?

MR. PAVLIK: Probably more steeper than that, 45.

MR. KRIEGER: Where are you proposing to put the deck?

MR. TORLEY: So having the deck in that position would permit you to have an easier and safer approach to the house?

MRS. PAVLIK: Yes.

MR. PAVLIK: Hill starts here so to get rid of this, we have access.

MR. KRIEGER: So, the deck is partially on the hill partially on the flat?

MR. PAVLIK: Well, it will come actually if this is the hill, it will come just slightly and there will be stairs.

MR. NUGENT: Here's the pictures, it's pretty self-explanatory.

MR. KANE: So, to repeat what Larry said, it's going to make an easier and safer access to the back portion of the property.

MR. KRIEGER: Without the deck there would be dangerous access to the back?

MR. PAVLIK: Correct.

MR. KANE: With the building of the deck you're not going to create water hazards, ponding of water, not cutting down any trees? Obvious questions.

MR. PAVLIK: No.

MR. KRIEGER: You're served by municipal sewer and water?

MR. PAVLIK: Yes, it's, our water's in the front and our sewer's in the front.

MR. KRIEGER: This doesn't interfere with the well or

septic?

MR. PAVLIK: No, not at all.

MR. NUGENT: Any further questions?

MR. KRIEGER: There are other similar decks in the neighborhood?

MR. TORLEY: Not identical.

MR. PAVLIK: Yes, there are, absolutely.

MR. TORLEY: And your feeling again this deck will improve the habitability and safety of the house?

MR. PAVLIK: Yes.

MR. TORLEY: There's no practical other approach for doing this?

MRS. PAVLIK: No, there's not.

MR. TORLEY: Mr. Chairman, accept a motion?

MR. NUGENT: Yes.

MR. TORLEY: I move we grant the Pavlik's their requested ten foot side yard variance.

MR. KANE: Second the motion.

ROLL CALL

MR. TORLEY	AYE
MR. KANE	AYE
MR. NUGENT	AYE

**OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK**

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (914)563-4630 TO
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

DATE: April 12, 1999

**APPLICANT: Linda Patlik
99 Moores Hill Road
New Windsor, New York 12553**

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 32-2-20

FOR : New Deck

LOCATED AT: 99 Moores Hill Road

ZONE: R-3

DESCRIPTION OF EXISTING SITE: 32-2-20

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

- 1. Proposed deck will not meet minimum side yard set-back.**


BUILDING INSPECTOR

PERMITTED 15'

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: R-3 USE: F-9

MIN. LOT AREA:

MIN LOT WIDTH:

REQ'D.. FRONT YD:

REQ'D. SIDE YD:

5'

10'

REQD. TOTAL SIDE YD:

REQ'D REAR YD:

REQ'D FRONTAGE:

MAX. BLDG. HT.:

FLOOR AREA RATIO:

MIN. LIVABLE AREA:

DEV. COVERAGE:

cc: Z.B.A., APPLICANT, FILE , W/ ATTACHED MAP

point in the work. And

...drains.
...plumbing.
...covered from inside and plumbing rough-in.
...electrical inspection data and final certified plot plan. Building is to be completed
...and engineer's certification letter for septic system required.
...approval of Town Highway Superintendent. A driveway bond may be required.
...that calls for the inspection twice.
...be called in with each inspection.
...inspections unless yellow permit card is posted.
...must be obtained along with building permits for new houses.
...must be submitted with engineer's drawing and perc test.
...permits must be obtained from Town Clerk's office.
...building permits will need a Certificate of Occupancy or a Certificate of Compliance and there is no fee for this.

RECEIVED

APR 09 1999

BUILDING DEPARTMENT

PLEASE PRINT CLEARLY
FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises LINDA McQUISTON PAULIK
Address 99 MOORES HILL RD. NEW HAMPSHIRE Phone (94) 567-1914
Mailing Address SAME
Name of Architect N/A
Address _____ Phone _____
Name of Contractor N/A
Address _____ Phone _____
State whether applicant is owner, lessee, agent, architect, engineer or builder _____
If applicant is a corporation, signature of duly authorized officer. _____

(Name and title of corporate officer)

FOR OFFICE USE ONLY
Building Permit # _____

1. On what street is property located? On the E side of Mockers Hill Rd.
and 300 feet from the intersection of WEATHER OAK Hill Rd.
(N, S, E or W)

2. Zone or use district in which premises are situated R3 Is property a flood zone?
Y N ✓

3. Tax Map Description: Section 32 Block 2 Lot 20

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy SINGLE FAMILY HOME b. Intended use and occupancy
SAME W/DECK

5. Nature of work (check if applicable) New Bldg ☐ Addition ☒ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other
☐ DECK

6. Is this a corner lot? NO

7. Dimensions of entire new construction. Front _____ Rear _____ Depth _____ Height _____ No. of stories _____

8. If dwelling, number of dwelling units: _____ Number of dwelling units on each floor

Number of bedrooms _____ Baths _____ Toilets _____
Heating Plant: Gas _____ Oil _____ Electric/Hot Air _____ Hot Water _____
If Garage, number of cars _____

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____

10. Estimated cost _____ Fee \$ 50.00

S 44° 48' 00" E

Building Inspector: Michael L. Babcock
Asst. Inspector: Frank Lisi
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(914) 563-4618
(914) 563-4693 FAX

Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

REFER TO:

Planning Board ☐ Highway Dept ☐ Sewer ☐ Water ☐ Zoning Board of Appeals ☐

INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

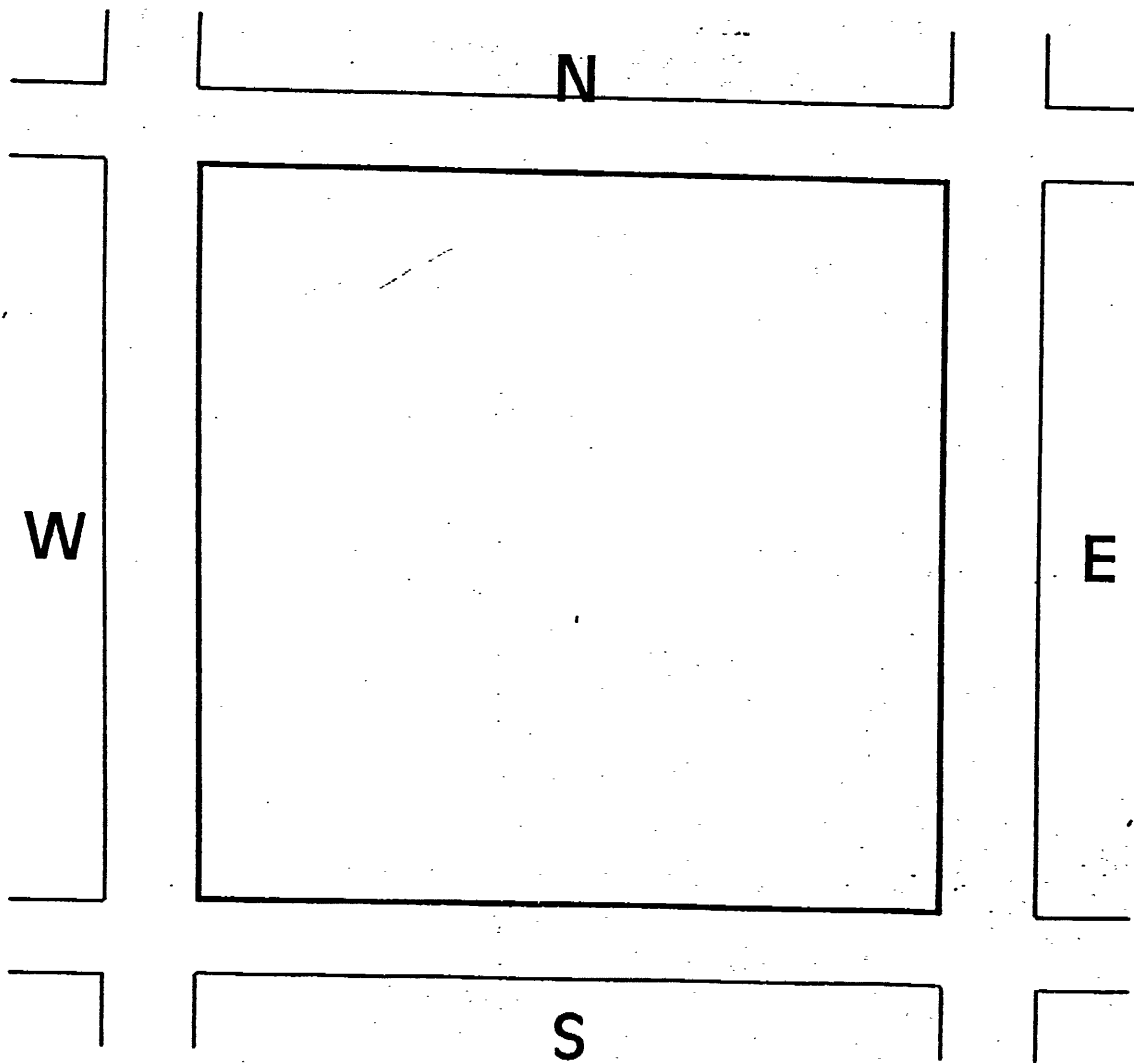

(Signature of Applicant)

99 Moores Hill Rd. New Windsor
(Address of Applicant)

PLOT PLAN

NOTE:

Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.



**ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR
COUNTY OF ORANGE : STATE OF NEW YORK**

In the Matter of the Application for Variance of

Linda & James Paolik,
Applicant.

99-16

**AFFIDAVIT OF
SERVICE BY
MAIL**

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

PATRICIA A. BARNHART, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 7 Franklin Avenue, Windsor, N. Y. 12553.

That on May 13, 1999, I compared the 21 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor regarding the above application for a variance and I find that the addresses are identical to the list received. I then mailed the envelopes in a U.S. Depository within the Town of New Windsor.

Patricia A. Barnhart
Patricia A. Barnhart

Sworn to before me this
13th day of May, 1999.

Deborah Green
Notary Public

DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
4984065
Commission Expires July 15, 1999



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (914) 563-4631
Fax: (914) 563-4693

Assessors Office

May 10, 1999

Ms. Linda McQuiston Pavlik
99 Moores Hill Road
New Windsor, NY 12553

RE: 32-2-20

Dear Ms. McQuiston Pavlik:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$45.00, less your deposit of \$25.00. Please remit the balance of \$20.00 to the Town Clerk at the above referenced parcel.

Sincerely,

J. Cook

Leslie Cook
Sole Assessor

/ev
Attachments

Cc: Pat Barnhart, ZBA

Irene Brown, Etal ✓
C/o Stanley Vesely
8 Walcott Road
Beverly, Mass 01915

Dale Purdy, Etal ✓
109 Moores Hill Road
New Windsor, NY 12553

Michael & Tina Urban ✓
103 Moores Hill Road
New Windsor, NY 12553

Karen Breitenbach ✓
85 Moores Hill Road
New Windsor, NY 12553

Elizabeth Hawes & Dominic Tejeda ✓
75 Moores Hill Road
New Windsor, NY 12553

Newburgh Water Supply ✓
City Comptroller
City Hall
Newburgh, NY 12550

Windsor Woods Inc. ✓
169 Burd Street
Nyack, NY 10960-2030

Dorothy & Robert Hansen ✓
34 Weather Oak Hill Road
New Windsor, NY 12553

Lee Ann Wortmann ✓
36 Weather Oak Hill Road
New Windsor, NY 12553

William Fahr ✓
38 Weather Oak Hill Road
New Windsor, NY 12553

Frank Wortmann ✓
RD1, Box 409
Bull Mill Road
Chester, NY 10918

Michael Wortmann ✓
120 Moores Hill Road
New Windsor, NY 12553

Dr. Mohammad Khan & ✓
Najmus Sahar Khan
16 Green Bower Lane
New City, NY 10956

Moores Hill Estates Inc. ✓
C/o Jacob Deutsch
1 Kennedy Court
Monroe, NY 10950

Hamil & Cora Ann Dava ✓
80 Moores Hill Road
New Windsor, NY 12553

Francis & Carolyn Sullivan ✓
31 Weather Oak Hill Road
New Windsor, NY 12553

Wai Lim & Wai Yee Yuen ✓
33 Weather Oak Hill Road
New Windsor, NY 12553

Walter & Bernice Hornibrook ✓
35 Weather Oak Hill Road
New Windsor, NY 12553

Francis & Jeanette Svitak ✓
100 Moores Hill Road
New Windsor, NY 12553

Francie Gibson ✓
104 Moores Hill Road
New Windsor, NY 12553

Guy Suchy & Genevieve Minutolo ✓
112 Moores Hill Road
New Windsor, NY 12553

Pls. publish immediately. Send bill to Applicant @ below address.

PUBLIC NOTICE OF HEARING

ZONING BOARD OF APPEALS

TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 11

Request of LINDA + JAMES PAULIK

for a VARIANCE of the Zoning Local Law to Permit:

NEW DECK 5' FROM SIDE YARD LINE

w/ insufficient side yard;

being a VARIANCE of Section 48-12 - Table of Use/Bulk-Regs. F.

for property situated as follows:

99 MOORES HILL ROAD / EAST SIDE, 50' FROM MOORES HILL x WEATHER
OAK HILL

known and designated as tax map Section 32, Blk. 2, Lot 20.

SAID HEARING will take place on the 14th day of June, 1999 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 o'clock P.M.

James Nugent.
Chairman

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

99-11

Date: 5/13/99.

- I. ✓ Applicant Information:
- (a) LINDA + JAMES PAULIK, 99 MOORES HILL ROAD LINDA MCQUISTON
(Name, address and phone of Applicant) (Owner) (MAIDEN NAME)
- (b) N/A NEW WINDSOR (914) 567-1914
(Name, address and phone of purchaser or lessee)
- (c) N/A
(Name, address and phone of attorney)
- (d) N/A
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- ☐ Use Variance ☐ Sign Variance
- ☒ Area Variance ☐ Interpretation

- III. ✓ Property Information:
- (a) R3 99 MOORES HILL RD. 32-2-20 12,500 sqft.
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? NONE.
- (c) Is a pending sale or lease subject to ZBA approval of this application? NO
- (d) When was property purchased by present owner? 3/7/90
- (e) Has property been subdivided previously? NO
- (f) Has property been subject of variance previously? YES
If so, when? WHEN BUILT.
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? NO
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: YES. NEW SHED (10' x 12')
VINYL. 4 FT FROM HOUSE, DIRECTLY BEHIND HOUSE.
SHED IS WELL WITHIN SETBACK REQUIREMENTS.

IV. Use Variance. N/A

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow:
(Describe proposal) _____
- _____
- _____
- _____

(b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes _____ No X.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

✓ V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of Use/Bulk Regs., Col. F.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. _____	_____	_____
Reqd. Side Yd. <u>15'</u>	<u>5'</u>	<u>10'</u>
Reqd. Rear Yd. _____	_____	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Dev. Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____
Parking Area _____	_____	_____

* Residential Districts only

** No-residential districts only

✓ (b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

(You may attach additional paperwork if more space is needed)

VI. Sign Variance: *N/A*

(a) Variance requested from New Windsor Zoning Local Law, Section _____, _____ Regs.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign	_____	_____	_____
Sign 3	_____	_____	_____
Sign	_____	_____	_____
	_____	_____	_____
	_____	_____	_____

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Interpretation. *N/A*

(a) Interpretation requested of New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

(b) Describe in detail the proposal before the Board:

VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or

upgraded and that the intent and spirit of the New Windsor Zoning is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

IX. Attachments required:

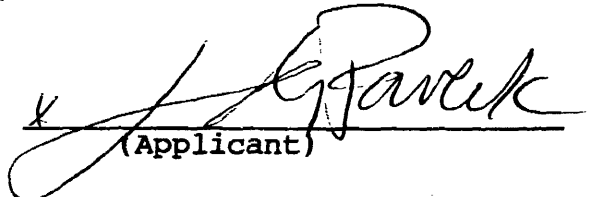
- ☒ Copy of referral from Bldg./Zoning Insp. or Planning Bd.
- ☒ Copy of tax map showing adjacent properties.
- ☒ N/A Copy of contract of sale, lease or franchise agreement.
- ☒ Copy of deed and title policy.
- ☒ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☒ N/A Copy(ies) of sign(s) with dimensions and location.
- ☒ Two (2) checks, one in the amount of \$50.00 and the second check in the amount of \$300.00, each payable to the TOWN OF NEW WINDSOR.
- ☒ Photographs of existing premises from several angles.

X. Affidavit.

Date: May 13, 1999.

STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

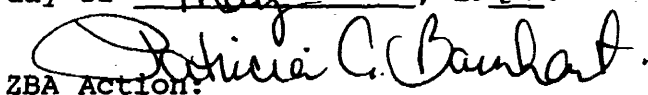
The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.


(Applicant)

Sworn to before me this

13th day of May, 1999.

XI. ZBA Action:



PATRICIA A. BARNHART
Notary Public, State of New York
No. 01BA4904434
Qualified in Orange County
Commission Expires August 31, 1999.

(a) Public Hearing date: _____.

(b) Variance: Granted (____) Denied (____)

(c) Restrictions or conditions: _____

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)

Attachment to Application for Area Variance: Pavlik

- 1) The change in the character of the neighborhood will not be undesirable. Our property and landscaping are beautiful. The new deck will be consistent with this. The change will not be detrimental. The 10' proposed is part of a hill which is too steep to mow and too big to trim. It will go from being overgrown with weeds to being pleasant.
- 2) The benefit sought by us (a way to get to the back yard) cannot be achieved by another feasible means. To grade the hill appropriately would put the entrance at the far rear corner of the yard, or eliminate the driveway. Stairs would be steep and necessitate an 8' climb down, then immediately back up 8' to get to the back door, which is what we do now. An entrance within current regulation would be too narrow and right against the house.
- 3) This does not involve a substantial amount of land.
- 4) This has no environmental effect.
- 5) This was not self-created. The hill was there when I built the house.

Date 5/5/99, 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

Frances Roth
168 N. Drury Lane
Newburgh, N.Y. 12550

TO DR.

		CLAIMED	ALLOWED
9	Zoning Board Mtg	75.00	
	Misc - 2		
	Paulik - 4 18.00		
	Heredia - 8		
	Pierri - 2		
	Bila - 15		
	Boscino/Guardian Storage - 7		
	Berman - 3		
	Francon - 4		
	45	302.50	
		277.50	

PRELIMINARY MEETING

PAVLIK, LINDA

MR. NUGENT: First preliminary meeting is Linda Pavlik request for 10 foot side yard variance to construct a deck at 99 Moores Hill Road in an R-3 zone.

Mr. and Mrs. Pavlik appeared before the board for this proposal.

MR. NUGENT: Explain to the board what you want to do.

MR. PAVLIK: What we're looking to do this is an existing deck, now it's small, 6 x 6, we're looking to extend the deck out passed the house because I have this hill down here, it's about eight foot slope and to get to the back door, what we're proposing to do is that's where it flattens off, thereafter, it shoots down 6 or 7 foot, so we want to bring the deck right out here with some stairs. There's some dirt dug up, we're doing some excavating. Here's the flat part as you walk down the driveway, we want the end to come here, there's a set of stairs coming down.

MR. NUGENT: And that's what's infringing on your neighbor's property?

MR. PAVLIK: I have some pictures to show where the property is. There's a rock wall here between our property and our hill that is landscaped right up against that wall.

MR. NUGENT: Brown mulch?

MR. PAVLIK: Yes, the property ends somewhere in the middle of that. He's about 25 to 30 feet away from that.

(Whereupon, Mr. Kane entered the room.)

MR. PAVLIK: I talked to the neighbor and he doesn't have a problem.

MRS. PAVLIK: We'll put some landscaping.

MR. NUGENT: You'll end up with five feet of side yard instead of 15?

MR. PAVLIK: Right.

MR. KANE: Any of this going to cause any type of drainage problems?

MR. PAVLIK: No, there's a groove right here, there's a natural trench right here, you can see it here, down here on the outside.

MR. KANE: This is the side the existing deck is over here?

MR. PAVLIK: Yes, it will come out over here, this is the driveway, it's flat here and then the hill as soon as you get passed the hill, that's where it drops, you're looking at the back, so then it drops down like 6 feet is here, his property is 6 foot higher here, that's his property so we're staying back off his property, the property line is five feet to the porch, this fella sold the property, he said he has no problem with it.

MR. KANE: That's going to leave you how many feet left on the side, five?

MR. NUGENT: Five, yeah, if you look at the other little drawing, that's where the variance comes in.

MR. KANE: This is the smallest variance that you need?

MR. PAVLIK: Yes.

MR. TORLEY: Please be sure.

MR. NUGENT: The measurement is five foot, you're absolutely sure of that, you know where your property line is?

MR. PAVLIK: Yes.

MR. KANE: Because you don't want that to come back and

haunt you.

MR. PAVLIK: They show you the distance that says 21.8, as you move back, it's about 22 and this is coming off exactly 17 feet. This is the property line right here, if this is 21, 22 feet, I'm coming off 17.

MR. KANE: Just make sure your numbers are good for the final. So, if anything happens in the future when they measure and they are off two inches, they're off, okay, the only concern I have is to make sure that there's no drainage problems, but I'm sure I have nothing further.

MR. TORLEY: Entertain a motion?

MR. NUGENT: Yes.

MR. TORLEY: I move that we grant the Pavliks a right for a public hearing on their requested side yard variance.

MS. OWEN: Second it.

ROLL CALL

MS. OWEN	AYE
MR. TORLEY	AYE
MR. KANE	AYE
MR. NUGENT	AYE

MR. NUGENT: Pat's going to give you some papers, which are basically self-explanatory for getting your application to the planning board.

MR. KANE: Just want to thank the board for giving me time to catch up.

MR. KRIEGER: If you'd take that sheet with you, those right there, those are the criteria on which the State has required that the Zoning Board must decide. So if you would address yourself to those at your public hearing presentation, that would be helpful.

MR. NUGENT: Your public hearing will be set up when you get that paperwork back to Pat.

April 26, 1999

5

MR. PAVLIK: Thank you.

(This Page Is Part of the Instrument)

PRINT OR TYPE: BLACK INK ONLY

Dennis J. Delfino and
Cheryl M. Delfino

TO

Linda J. Mc Quiston

RECORD AND RETURN TO:
(Name and Address)

Jacobowitz and Gubits, Esqs.
158 Orange Avenue
Walden, NY 12586

ATTACH THIS SHEET TO THE FIRST PAGE OF EACH
RECORDED INSTRUMENT ONLY.

DO NOT WRITE BELOW THIS LINE

CONTROL NO. 52319 DATE 3/7/90 AFFIDAVIT FILED 19

INSTRUMENT TYPE: DEED XX MORTGAGE SATISFACTION ASSIGNMENT OTHER

BG20 Blooming Grove
CH22 Chester
CO24 Cornwall
CR26 Crawford
DP28 Deerpark
GO30 Goshen
GR32 Greenville
HA34 Hamptonburgh
HI36 Highland
MK38 Minisink
ME40 Monroe
MY42 Montgomery
MH44 Mount Hope
NT46 Newburgh (T)
NW48 New Windsor X
TU50 Tuxedo
WL52 Walkill
WK54 Warwick
WA56 Wawayanda
WO58 Woodbury
MN09 Middletown
NC11 Newburgh
PJ13 Port Jervis
9999 Hold

SERIAL NO.

Mortgage Amount \$

Exempt Yes No

3-6 Cooking Units Yes No

Received Tax on above Mortgage

Basic \$

MTA \$

Spec. Add. \$

TOTAL \$

MARION S. MURPHY
Orange County Clerk

by:

ORANGE COUNTY CLERK'S OFFICE S.S.

Recorded on the 8th day of March 19 90 at 9:40

O'Clock A. M. in Liber/Film 3262
Deed at page 60 and examined.

Marion S. Murphy
County Clerk

LIBER 3262 PAGE 60

CHECK ☒ CASH CHARGE

MORTGAGE TAX \$

TRANSFER TAX \$ 132⁰⁰

ED Fund 5⁰⁰
RECORD. FEE \$ 17⁰⁰

REPORT FORMS \$ 5⁰⁰

CERT. COPIES \$

Mc Quiston

RECEIVED
\$ <u>132⁰⁰</u>
REAL ESTATE
TRANSFER TAX
ORANGE COUNTY

***** SERIAL NUMBER:

005033 *****

ORG 03/08/90 09:40:22

2498

22.00

***** EDUCATION FUND:

5.00 *****

DEED CONTROL NO: 52319

132.00 *

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT -- THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.

THIS INDENTURE, made the 7th day of March, nineteen hundred and Ninety
BETWEEN DENNIS J. DELFINO and CHERYL M. DELFINO, Husband and
Wife, residing at 35 Beatty Road, Washingtonville, New York 10992

party of the first part, and LINDA J. MC QUISTON, residing at
263A North Plank Road, Newburgh, New York 12550

party of the second part,

WITNESSETH, that the party of the first part, in consideration of-----

-----TEN DOLLARS and 00/100 (\$10.00)-----dollars,

lawful money of the United States, and other good and valuable consideration paid
by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or suc-
cessors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying
and being in the

ALL THAT certain plot, piece or parcel of land, with the
buildings and improvements thereon erected, situate, lying and
being in the Town of New Windsor, County of Orange and State of
New York, being more particularly bounded and described as
follows:

Section: 32 Block 2 Lot 20

DIST:
SECTION:
BLOCK:
LOT:

BEGINNING at an iron pipe set 5 feet northwesterly of the southeasterly side of Mt. Airy Road and being North 42° 55' East 275 feet from the line of the Reservoir Property of the City of Newburgh, thence along Mt. Airy Road North 42° 55' East 75 feet to an iron pipe set, thence through the lands of Frank and Margaret Purdy as follows: South 49° 48' East 159 feet to an iron pipe set, South 30° 57' West 222.5 feet to an iron pipe set, North 44° 15' West 50 feet to an iron pipe set, North 42° 55' East 140 feet to an iron pipe set, North 49° 48' West 155 feet to the point or place of beginning.

INCLUDING all the right, title or interest of the party of the first part in and to the road known as Mt. Airy Road to the middle of the same.

The above premises are further described by a recent survey prepared by Floyd C. Carr dated May 24, 1989 and more particularly described as follows:

BEGINNING at a point in the southeasterly side of Moores Hill Road (Delfino deed calls Mt. Airy Road), said point being the northwesterly corner of the herein described parcel and also being the northeasterly corner of other lands of the said Delfino as recorded in Liber 2257 of Deeds at Page 861; running thence from said beginning along the southeasterly side of said Moores Hills Road North 42 degrees 55 minutes 00 seconds East 75.00 feet to a point; thence South 49° 48 minutes 00 seconds East 159.00 feet to an iron pipe found, thence South 31 degrees 00 minutes 07 seconds West 222.46 feet to an iron pipe found, thence North 44

degrees 15 minutes 00 seconds West 50.00 feet, to an iron pipe found at the southwesterly corner of other lands of Delfino as described in Liber 2257 of Deeds at page 861, thence along the southeasterly line of said other lands North 42 degrees 55 minutes 00 seconds East 140.00 feet to a point, thence along the northeasterly line of said other lands North 49 degrees 47 minutes 50 seconds West 154.98 feet to the place of beginning

Containing 0.400 acres of land more or less.

BEING AND INTENDED TO BE THE SAME PREMISES conveyed in a deed from Frank D. Purdy and Martha W. Purdy, to Dennis J. Delfino and Cheryl M. Delfino, dated July 27, 1983 and recorded in the Orange County Clerk's Office on July 28, 1983 in Liber 2257 of deeds at page 864.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof,

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

TO HAVE AND TO HOLD the premise herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.



AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been incumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

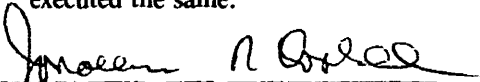
IN PRESENCE OF:


DENNIS J. DELFINO

CHERYL M. DELFINO

STATE OF NEW YORK, COUNTY OF ORANGE ss.:

On the 7th day of March 190 , before me personally came Dennis J. Delfino and Cheryl M. Delfino

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that they executed the same.


Notary Public

JONATHAN R. KOPALD

Notary Public, State of New York

No. 35743-S10

Qualified in Orange County

Commission Expires March 30, 1990

STATE OF NEW YORK, COUNTY OF ss.:

On the day of 19 , before me personally came

to me known, who, being by me duly sworn, did depose and say that he resides at No.

that he is the
of

, the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed h name thereto by like order.

STATE OF NEW YORK, COUNTY OF ss.:

On the day of 19 , before me personally came

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that executed the same.

STATE OF NEW YORK, COUNTY OF ss.:

On the day of 19 , before me personally came

to me known, who, being by me duly sworn, did depose and say that he resides at No.

say that he is the
of

, the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed h name thereto by like order.

Bargain and Sale Deed
WITH COVENANT AGAINST GRANTOR'S ACTS

TITLE No.

Dennis J. Delfino and
Cheryl M. Delfino

TO

Linda J. Mc Quiston

SECTION 32

BLOCK 2

LOT 20

COUNTY OR TOWN New Windsor

Recorded At Request of American Title Insurance Company

RETURN BY MAIL TO:

STANDARD FORM OF NEW YORK STATE LAND TITLE ASSN.

Distributed by



American Title Insurance Company
Northeast Region

Zip No.

RESERVE THIS SPACE FOR USE OF RECORDING OFFICE

LIBER 3262 PAGE 64

Fire Insp Examined
Approved
Disapproved
Permit No.

WEATHER
HILL ROAD

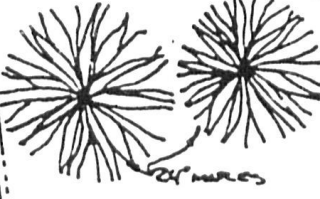
8" A.C.P. SEWER LINE

MOORES HILL ROAD

TO RT 207

11' 6" DRIVE

EXISTING GRASS DRIVE



EXISTING WELL

SEPTIC TANK

CONCRETE PUMP

EXISTING DWELLING

NEW WELL

0.400 ± AC.
17,420.87 ± SQ. FT.

EXISTING WOOD
FRAME DWELLING

EXISTING WELL

N/F DELFINO

154.98'

N 49° 47' 50" W

159.00'

S 44° 48' 00" E

140.00'

222.00'

N/F PURDY

07" W

11/10/11
11/10/11